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TECH CENTER 1600/2900

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Group Art Unit 1631

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MAY 15 2002  
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\*\*Admitted only in Virginia  
\*\*\*Admitted only in Texas

May 15, 2002

Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Utility Patent Application  
Appl. No. 09/183,267; Filed: October 30, 1998  
For: **Computational Protein Probing to Identify Binding Sites**  
Inventor: Guarnieri, Frank  
Our Ref: 1866.001001/JMC/MBT

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Response to Office Communication;
4. Our check no. 35179 for \$1,440.00 to cover:  
\$1,440.00 Extension fees under 37 C.F.R. § 1.136; and
5. One (1) return postcard.

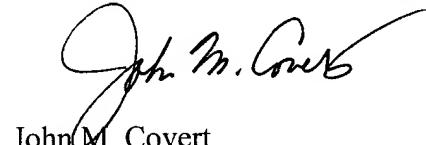
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
May 15, 2002  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



John M. Covert  
Attorney for Applicants  
Registration No. 38,759

JMC/MBT/lam  
Enclosures

SKGF\_DC1:13399.1

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

(\$1,440.00)

TOTAL AMOUNT OF PAYMENT

MAY 15, 2002  
U.S. PATENT & TRADEMARK OFFICE

**Complete if Known**

Application Number	09/183,267
Filing Date	October 30, 1998
First Named Inventor	Guarnieri, Frank
Examiner Name	Hartert, A.
Group Art Unit	1631
Attorney Docket No.	1866.0010001/JMC/MBT

FEE CALCULATION (continued)

METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number

19-0036

Deposit Account Name

Sterne, Kessler, Goldstein & Fox P.L.L.C.

- Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- Applicant claims small entity status  
See 37 CFR 1.27

2.  Payment Enclosed:

- Check  Credit card  Money Order  Other\*

\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

I. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370 Utility filing fee
106	330	206	165 Design filing fee
107	510	207	255 Plant filing fee
108	740	208	370 Reissue filing fee
114	160	214	80 Provisional filing fee

SUBTOTAL (1) (\$0.00)

3. ADDITIONAL FEES  
Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for ex parte reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,280	241	640	Petition to revive - unintentional
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	130	123	130	Petitions related to provisional applications
126	180	126	180	Submission of Information Disclosure Stmt
581	40	481	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application
Other fee (specify):				
Other fee (specify):				

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,440.00)

Complete (if applicable)

SUBMITTED BY

Name (Print/Type)

John M. Covert

Registration No. (Attorney/Agent)

38,759

Telephone

202-371-2600

Date

May 15, 2002

\*\* or number previously paid, if greater; For Reissues, see above

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

#13386v1<SKGF\_DC1> -Fee Transmittal for Response.wpd

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MAY 20 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Guarnieri, Frank

Appl. No. 09/183,267

Filed: October 30, 1998

For: **Computational Protein Probing to Identify Binding Sites**

Confirmation No.: 2934

Art Unit: 1631

Examiner: Hartter, A.

Atty. Docket: 1866.0010001/JMC/MBT

# 19-

AP

5-22-02

### RESPONSE TO OFFICE COMMUNICATION

This reply responds to the communication mailed January 8, 2002 holding Applicant's response filed on September 5, 2001 as not being fully responsive to the prior Office Action because a petition and fee were not filed for the acceptance of the color drawings. Applicant respectfully asserts that the communication was sent in error, since the prior Office Action did not indicate that the application was allowed or that the Examiner was requiring formal drawings. In Line 1, Paragraph one of form PTO-90C accompanying the prior Office Action, the Examiner states that "[c]olor photographs and color drawings are acceptable *only for examination* purposes unless a petition filed under 37 C.F.R. 1.84(a)(2) or (b)(2) is granted permitting their use as formal drawings." (emphasis added) Thus, since the application is still under examination, Applicant asserts that the use of the color drawings for examination purposes only is proper and that both the color drawings and the black and white drawings submitted with the filed application are suitable for examination.

Applicant also draws the attention of the Examiner to page 2 of the Office Action mailed March 5, 2001 (Paper No. 10) where the Examiner included the same paragraph as recited above and also included the sentence "In the event Applicant wishes to use the drawings currently on file as formal drawings, a petition must be filed for acceptance of the photographs or color drawings as formal drawings." Applicant therefore respectfully requests that submission of a

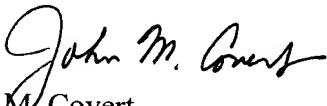
Guarnier, Frank  
Appl. No. 09/183,267

petition for acceptance of color drawings be deferred until the application has been allowed. This request was also made by Applicant in their response filed September 5, 2001 on page 2, paragraph 4, under the heading of "Drawings".

Applicant respectfully maintains that the response filed September 5, 2001 was complete and request that the Examiner fully consider Applicant's response and issue an Office Action on the Merits. Moreover, since the prior response was fully responsive Applicant requests a refund of the \$1,440.00 fee for the Petition for Extension of Time that accompanies this reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
John M. Covert  
Attorney for Applicant  
Registration No. 38,759

Date: May 15, 2002  
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